

## REMARKS

Claims 9-11, 13-19, and 27-33 are pending in the application. Claims 9-11 were previously withdrawn from consideration. Claims 13, 16, 27, and 31 are amended. Reconsideration and allowance of the Claims is respectfully requested.

### **Claim Rejections**

At page 2, the Office Action rejects Claims 27, 28, 31, 32, and 33 under 35 U.S.C. §102(b) as being anticipated by Phillips (1,974,194). At page 3, the Office Action rejects Claims 13-19 under 35 U.S.C. §103(a) as being unpatentable over Phillips in view of Zirkiev (5,745,999).

The previously presented Claims 13 and 27 recite a first end of a food holder slidably connected to one of the longitudinal edges of a body, and that the food holder is configured to hinge about the first end so as to allow simultaneous sliding and rotation **relative to the longitudinal edge to which it is connected**. One of ordinary skill would understand this language to mean that the food holder is hinged to one of the longitudinal edges of the body, and in view of the written description, would also understand that the longitudinal edge corresponds to the edge of the cutting device that runs in the direction of cutting, as is clearly shown in the Figures.

Applicants submit that Phillips and Zirkiev do not teach or suggest these limitations either alone or in combination. In Phillips, the primary reference, it is clear from Fig. 1 that the food holder (Fig. 1, references 42 and 43) does not rotate at all. Rather, the food holder is slidably connected to both longitudinal edges of the body and therefore cannot be rotated at all. On this alone, Phillips does not anticipate the previously presented Claims.

Phillips does, however, disclose a hingedly connected element. The Office Action identifies this element as the plunger (Fig. 1, reference 46). However, the plunger hinges about an end of the food holder, not one of the longitudinal edges of the base. As shown in Fig. 1, this end of the food holder is clearly perpendicular to the cutting direction whereas, as argued above, in the previously presented claims the

longitudinal edges run in the direction of cutting. For this reason as well, Phillips does not anticipate the previously presented Claims.

In Zirkiev, the food holder is slidably connected to the base, but does not rotate about the base. In fact, the cutting device in Zirkiev does not include any portions that rotate. In view of the arguments presented above, Applicants submit that Phillips and Zirkiev do not teach or suggest alone or in combination the limitations in the previously presented Claims. Therefore, all the previously presented Claims should be allowed.

Notwithstanding this, Claims 13 and 27 are amended to more clearly define some of the limitations. As amended, Claims 13 and 27 recite that the longitudinal edges extend in the cutting direction, that the first end of the food holder is substantially parallel to either the first or second longitudinal edges and that when the food holder is rotated into an open position, food can be cut without the use of the food holder. Claims 16 and 17, as amended, recite that the plunger is removable.

In Phillips, the end of the food holder about which the plunger rotates is not parallel to either longitudinal edge as argued above. In addition, one of ordinary skill would appreciate that it would be difficult to cut food items, using the cutting device in Phillips, when the plunger is rotated into an open position. Finally, the plunger portion of Phillips is not removable. In fact, Phillips discloses that the plunger is rigidly attached via a tie rod to the food holder (Col. 2, Lns. 59-68). As such, Phillips does not anticipate, or suggest in combination with Zirkiev, any of the Claims. Accordingly, Applicants respectfully request withdrawal of the rejections under 35 U.S.C §§ 102(b) and 103(a) and reconsideration and allowance of Claims 13 and 27, and also Claims 14-19, 28, and 31- 33 as they are based on either Claims 13 or 27.

Applicants believe the Claims, as presently amended, adequately address the rejections in the office action. Accordingly, issuance of the patent is respectfully requested. Should the examiner deem a telephone conference to be of assistance in advancing the application to issuance, the examiner is invited to call the undersigned attorney at the telephone number below.

Respectfully submitted,

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